

MINUTES

**CITY OF CEDAR PARK
REGULAR SCHEDULED CITY COUNCIL MEETING
CEDAR PARK CITY HALL - COUNCIL CHAMBERS
450 CYPRESS CREEK ROAD, BUILDING FOUR
OCTOBER 24, 2013 AT 6:30 PM**

Mayor Matt Powell
Stephen Thomas, Council Place One
Mitch Fuller, Council Place Two
Lyle Grimes, Council Place Three

Donald J. Tracy, Mayor Pro Tem
Lowell Moore, Council Place Four
Jon Lux, Council Place Five
Brenda Eivens, City Manager

- A.1 CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.

Mayor Powell called the meeting to order at 6:32 p.m.

All Council present.

- A.2 Invocation. (4)

Invocation given by Councilmember Moore.

- A.3 Pledges Of Allegiance. (U.S. and Texas)

Council led the audience in the Pledges of Allegiance.

- A.4 Presentation: Update On The Drought Forecast - Bob Rose, Lower Colorado River Authority Meteorologist.

Bob Rose, Lower Colorado River Authority Meteorologist, addressed Council regarding the weather pattern and winter outlook. In the past sixty days the area has seen an excess of rain. Due to the extreme dry ground there is not adequate runoff however the trends are getting back to normal.

- A.5 Presentation: Employee Recognition For Service With The City Of Cedar Park:

- a. Ofc Dylan Woods, Police Department, Five Years Of Service.
- b. Sgt. Chansé Thomas, Police Department, Ten Years Of Service.

ATTEST:



LeAnn M. Quinn, TRMC
City Secretary



c. Cpt. Mike Harmon, Police Department, Fifteen Years Of Service.

Chief Mannix, Police Department, presented Ofc. Woods, Sgt. Thomas, and Cpt. Harmon with plaques in honor of their service with the City of Cedar Park.

- A.6 Presentation: Proclamation Recognizing National Friends Of The Library Week October 20-26, 2013 And Announcement Of The Fable Fest Event.

Mayor Powell read and presented a Proclamation in recognition of National Friends of the Library Week. The Cedar Park Friends of the Library presented a check in the amount of \$10,000 to the Library.

JW Smith, Library Foundation President, invited everyone to attend the Fable Fest event being held on November 2, 2013.

- A.7 Citizen Communications. (Not for items listed on this agenda. Three minutes each. no deliberations with Council. Council may respond with factual information.

None.

- A.8 Mayor and Council Opening Comments.

Mayor Powell commented on Movoto, a real estate brokerage firm, releasing their top most desirable suburbs in the US listing with Cedar Park ranked 5th.

Councilmember Grimes thanked Eric Rauschuber for allowing him to spend time with his departments and observe their functions and roles for the City.

- A.9 City Manager Report: Update On The Upcoming Parks And Recreation Department Special Events Including Concert In The Park, Veterans Day Ceremony And Parade, Golf Tournament, And Tree Lighting/Santa's Workshop.

Curt Randa, Parks and Recreation Director, updated Council on the upcoming events.

CONSENT AGENDA

Pursuant to Council Rule 2.3, the City Council Consent Agenda consists of all matters set forth on Agenda Items B, C, and D.

Motion to approve all items on the Consent Agenda consisting of Agenda Items B, C, and D.

Movant: Councilmember Moore

Second: Councilmember Lux

Vote: 7-0

- B.1 Approval Of City Council Minutes From The Regular Scheduled Meeting Of September 26, 2013.

Approved under the Consent Agenda.

- B.2 Receipt Of Minutes From The Cedar Park Community Development (Type B) Corporation Meeting Of August 13, 2013.

Received under the Consent Agenda.

- B.3 Receipt Of Minutes From The Planning And Zoning Commission Meeting Of August 20, 2013.

Received under the Consent Agenda.

- B.4 Receipt Of Minutes From The Tourism Advisory Board Meeting Of August 27, 2013.

Received under the Consent Agenda.

- C.1 Second Reading And Approval Of An Ordinance Repealing Ordinance Number G40-06-08-17-4A Monetary Recruiting Incentive For New Police Officer Hires.

Approved under the Consent Agenda.

Ordinance Number G03.13.10.24.C1

- D.1 A Resolution Authorizing And Directing The City Manager To Execute A Letter Agreement Between The City of Cedar Park (The “City”) And BMC West Corporation (“BMC”) For The BMC Drive Roadway Extension Project.

Approved under the Consent Agenda.

Resolution Number R11.13.10.24.D1

- D.2 A Resolution For City Acceptance Of Parkwest Section 1 Subdivision Improvements.

Approved under the Consent Agenda.

Resolution Number R12.13.10.24.D2

- D.3 A Resolution Authorizing And Directing The Mayor To Execute A Corridor Enhancement Project Agreement Between The Cedar Park Community Development (Type B) Board And Matthew Headley, General Operations Manager Representing Good Shepherd Lutheran Located At 700 West Whitestone For The Expenditure Of Community Development Funds To Provide An Economic Development For The Construction Of Improvements Through A Corridor Enhancement Project.

Approved under the Consent Agenda.

Resolution Number R13.13.10.24.D3

- D.4 A Resolution Authorizing And Directing The City Manager To Negotiate And Execute A Professional Services Agreement With Fugro Consultants For The Automated Pavement Condition Survey Project.

Approved under the Consent Agenda.

Resolution Number R14.13.10.25.D4

- D.5 A Resolution Authorizing And Directing The City Manager To Execute A Multiple Use Agreement (MUA) with the Texas Department of Transportation (TxDOT) For The Construction And Maintenance Of Two Sections Of Sidewalk Which Are Identified In The City's Sidewalk Gap Closure Program Phase 2 Project To Be Constructed Within TxDOT Right-Of-Way.

Approved under the Consent Agenda.

Resolution Number R15.13.10.24.D5

- D.6 A Resolution Authorizing A Special Permit To Hold A Promotional Event At Veterans Memorial Park.

Approved under the Consent Agenda.

Resolution Number R16.13.10.24.D6

- D.7 A Resolution Authorizing A Special Permit To Hold A Fundraising Event At Milburn Park.

Approved under the Consent Agenda.

Resolution Number R17.13.10.24.D7

- D.8 A Resolution Authorizing And Directing The City Manager To Execute A Social Service Agency Annual Funding Agreement With Williamson Burnet County Opportunities, Inc. For Fiscal Year 2013-2014.

Approved under the Consent Agenda.

Resolution Number R18.13.10.24.D8

- D.9 A Resolution Authorizing And Directing The City Manager To Execute A Social Service Agency Annual Funding Agreement With Faith In Action Caregivers Northwest For Fiscal Year 2013-2014.

Approved under the Consent Agenda.

Resolution Number R19.13.10.24.D9

- D.10 A Resolution Authorizing And Directing The City Manager To Execute A Social Service Agency Annual Funding Agreement With Williamson County Children's Advocacy Center For Fiscal Year 2013-2014.

Approved under the Consent Agenda.

Resolution Number R20.13.10.24.D10

- D.11 A Resolution Authorizing And Directing The City Manager To Execute A Social Service Agency Annual Funding Agreement With The Literacy Council Of Williamson County For Fiscal Year 2013-2014.

Approved under the Consent Agenda.

Resolution Number R21.13.10.24.D11

- D.12 A Resolution Authorizing And Directing The City Manager To Execute A Lease Renewal With King Noodle For 500 Cypress Creek Road, Suite 100.

Approved under the Consent Agenda.

Resolution Number R22.13.10.24.D12

- D.13 A Resolution Amending Policy C-2, Wage And Hour Administration, Of The City Of Cedar Park Human Resources Manual.

Approved under the Consent Agenda.

Resolution Number R23.13.10.24.D13

- D.14 A Resolution Authorizing The City Of Leander To Participate In The Cooperative Agreement With The Williamson County And Cities Health District ("WCCHD").

Approved under the Consent Agenda.

Resolution Number R24.13.10.24.D14

- D.15 A Resolution Approving A Change In The Rates Of Atmos Energy Corporation, Mid-Tex Division ("Atmos") As A Result Of A Settlement Between Atmos And The Atmos Texas Municipalities ("ATM") Under The Rate Review Mechanism; Finding The Rates Set By The Attached Tariffs To Be Just And Reasonable; Directing Atmos Energy To Reimburse The City's Rate-Case Expenses; Declaring An Effective Date; And Requiring Delivery Of The Resolution To The Company And Legal Counsel.

Approved under the Consent Agenda.

Resolution Number R25.13.10.24.D15

- D.16 A Resolution Authorizing The Liability Release For Leander Independent School District (Leonard Reed Elementary School) In Conjunction With The 2013 Blue Santa Program.

Approved under the Consent Agenda.

Resolution Number R26.13.10.24.D16

- D.17 Approval To Excuse The Absence Of Councilmember Grimes From The Regular Scheduled Meeting Of September 26, 2013.

Approved under the Consent Agenda.

No Resolution Number assigned.

PUBLIC HEARINGS

- E.1 First Reading and Public Hearing Of An Ordinance Amending Chapter 11, Section 11.02 Zoning Districts And Regulations, Division 34 Historic Preservation Overlay, HPO (HP) To Disband The Historic And Cultural Preservation Commission ("HCPC").

Agenda Item E.1 and E.2 called together.

Refer to Agenda Item E.2 for discussion and Public Hearings.

- E.2 First Reading And Public Hearing Of An Ordinance Amending Chapter 10, Article 10.05 Tourism Board To Create A Subcommittee Of The Tourism Board Known As The Historic Preservation Subcommittee.

Agenda Item E.1 and E.2 called together

Katherine Woerner, Director of Community Affairs, addressed the Council regarding the Sunset Advisory Commission's recommendation to disband the Historic Preservation Commission and create a three member subcommittee under the Tourism Advisory Board for a Historic Preservation Subcommittee. All members of the subcommittee must be residents of Cedar Park.

Mayor Powell opened the Public Hearings.

No Public Comment.

Mayor Powell closed the Public Hearings.

- E.3 First Reading And Public Hearing Of An Ordinance Repealing The City Of Cedar Park Code Of Ordinances Chapter 9 Human Resources, Article 9.11 Municipal Service, Section 9.11.005(a)(b) Field Training Officer Assignment Pay.

Miguel Ozuna, Human Resources Director, stated in October 2006 the Council approved an ordinance establishing the Field Training Officer Assignment Pay. This Assignment Pay is now addressed in the 2014 Meet and Confer Agreement between the City of Cedar Park and the Cedar Park Police Association and is no longer needed as an Ordinance.

Mayor Powell opened the Public Hearing.

No Public Comment.

Mayor Powell closed the Public Hearing.

- E.4 (Z-13-017) First Reading And Public Hearing On An Ordinance To Rezone Approximately 3.3 Acres From General Retail (GR) To Local Retail (LR) For Property Located On The Northwest Corner Of Vista Ridge Boulevard And East Park Street, In Williamson County, Texas. ***The Planning And Zoning Commission Voted 7-0 To Recommend LR.***

Amy Link, Planning Manager, addressed the Council regarding the request to rezone from General Retail to Local Retail. The location of the property is more consistent with the Local Retail purpose statement and will bring the site into conformance with the Future Land Use Map.

Mayor Powell inquired why a communication summary was not received.

Councilmember Lux stated he attended the Silverado HOA meeting and the community is very supportive of the change in zoning.

Mayor Powell opened the Public Hearing.

Public Comment:

Hiten Patel spoke in support of the zoning request and inquired about the notification process.

Mayor Powell closed the Public Hearing.

- E.5 (Z-13-018) First Reading And Public Hearing Of An Ordinance To Rezone Approximately 48.67 Acres From Light Industrial (LI) to General Retail (GR) For Property Located On The South Side Of West Whitestone Boulevard, Between Lakeline Boulevard And Anderson Mill Road. *The Planning And Zoning Commission Voted 7-0 To Approve General Retail-Conditional Overlay (GR-CO) With The Following Condition: Prohibit Automobile Sales (New And Used), Automobile Repair Shops, Car Washes, Equipment Rental, Sales, Service And Repair, Non-Emergency Medical Transport, Day Care Center (Adult And Child), Private Schools, Wireless Telecommunications Facilities And Laundromat.*

Motion to table until a future meeting with date/time to be determined.

Movant: Mayor Powell

Second: Councilmember Moore

Vote: 7-0

- E.6 (Z-13-019) First Reading And Public Hearing Of An Ordinance To Assign Original Zoning Of Open Space Recreation (OSR) To Approximately 34.08 Acres Located Near The Southeast Corner Of South Bell Boulevard And East Little Elm Trail. *The Planning And Zoning Commission Voted 7-0 To Approve The Request.*

Amy Link, Planning Manager, stated this is a City initiated zoning for recently annexed land. The zoning request is for Open Space Recreation.

Mayor Powell opened the Public Hearing.

No Public Comment.

Mayor Powell closed the Public Hearing.

REGULAR AGENDA (NON-CONSENT)

- F.1 First/Final Reading And Consideration To Approve An Ordinance Authorizing The Issuance Of City Of Cedar Park, Texas General Obligation Refunding Bonds; Levying An Ad Valorem Tax In Support Of The Bonds; Establishing Procedures For Selling And Delivery Of One Or More Series Of The Bonds; And Authorizing Other Matters Relating To The Bonds.

Agenda Item F.1 called after Agenda Item A.9 City Manager Report.

Dan Wegmiller, Specialized Public Finance, Inc., addressed the Council regarding the issuance of the refunding bonds. The current market is strong for quality debt issuance and there is an opportunity to refund. The savings overall will be \$600k.

Bart Fowler, McCall Parkhurst, was available for questions.

Motion to approve an Ordinance authorizing the issuance of City of Cedar Park, Texas General Obligation Refunding Bonds; Levying an Ad Valorem Tax In Support Of The Bonds; Establishing Procedures For Selling And Delivery Of One Or More Series Of The Bonds; And Authorizing Other Matters Relating To The Bonds.

Movant: Councilmember Thomas

Second: Mayor Pro Tem Tracy

Vote: 7-0

Ordinance Number I04.13.10.24.F1

- F.2 Consideration To Approve A Resolution Awarding The Construction Bid For The Buttercup Creek Wastewater Interceptor Replacement Project To Lewis Contractors, Inc. For \$3,137,608.

Thomas Dawkins, Senior Utility Engineer, addressed Council on the recommendation to award a construction bid for the Buttercup Creek Wastewater Interceptor Replacement Project to Lewis Contractors, Inc.

Councilmember Moore inquired if this was the area or lines that have ruptured in the past.

Councilmember Thomas asked if this item was funded under the Utility Fund.

Motion to approve a Resolution Awarding The Construction Bid For The Buttercup Creek Wastewater Interceptor Replacement Project To Lewis Contractors, Inc. For \$3,137,608.

*City Council Minutes
October 24, 2013*

Movant: Councilmember Moore
Second: Councilmember Lux
Vote: 7-0

Resolution Number R27.13.10.24.F2

- F.3 (Z-13-010) Second Reading And Consideration To Approve An Ordinance To Rezone Approximately 10.51 Acres From General Office (GO) To Planned Development (PD) For Property Located On Old Mill Road, West Of Lakeline Boulevard. *The Planning And Zoning Commission Voted 4-3 To Approve The Request, Conditional Upon Removal Of Permitted Uses In The Estate Lot (ES), Single Family Large Suburban Lot (SF-1), Single Family Large Urban Lot (SF-2) And Single Family Urban Lot (SF-3) From The PD.*

Mayor Powell stated a request was received by the Applicant to postpone this item. He inquired if a TO zoning had been considered for this area.

Jennie Braasch, Pohl Partners, stated the general office zoning is not marketable and the TO zoning would be even less marketable. The neighborhood concerns would not be addressed with a TO zoning.

Mayor Powell commented on the selection of a consultant being at the complete discretion of the applicant.

Motion to table this item until the November 21st Council meeting.

Movant: Councilmember Lux
Second: Councilmember Thomas
Vote: 7-0

- F.4 Consideration To Approve A Resolution Nominating A Candidate(s) For The Board Of Directors For Williamson Central Appraisal District.

Josh Selleck, Assistant City Manager, stated all the current directors have been re-nominated by other entities in the county.

No action taken.

- F.5 Consideration Of Alternates/Proxies For The Capital Area Metropolitan Planning Organization ("CAMPO") Transportation Policy Board. (Mayor Powell)

Mayor Powell stated the entire Council is currently listed as alternates and can attend in his absence. If the Mayor is unable to attend at the last minute or had to depart the meeting there would not be a voice for Cedar Park. He stated other entities have nominated other people that currently serve on the board. He would like to reaffirm the entire Council as proxies and have Council consider adding Commissioner Cynthia Long as an alternate or proxy.

Councilmember Lux inquired if the appointments were made by position as opposed to by name.

Motion for the alternates/proxies for the Capital Area Metropolitan Planning Organization ("CAMPO") Transportation Policy Board for the City of Cedar Park be all seating Councilmembers and Williamson County Commissioner Cynthia Long.

Movant: Mayor Powell

Second: Councilmember Moore

Vote: 7-0

- F.6 Consideration To Approve A Resolution Receiving And Accepting Petitions In Support Of Limited-Purpose Annexation Of Williamson-Travis County Water Control And Improvement District No. 1-F, Williamson-Travis County Water Control And Improvement District No. 1-G And Bella Vista Municipal Utility District By The City Of Cedar Park, Texas, Pursuant To The Terms Of Strategic Partnership Agreements, And Setting A Date, Time, And Place For Public Hearings Regarding Voluntary Limited-Purpose Annexation Of Williamson-Travis County Water Control And Improvement District No. 1-F, Williamson-Travis County Water Control And Improvement District No. 1-G And Bella Vista Municipal Utility District By The City Of Cedar Park, Pursuant To Strategic Partnership Agreements. (ANX-13-004)

Agenda Item F.6 called after Executive Session.

Motion to approve the Resolution in Agenda Item F.6 as presented.

Movant: Councilmember Fuller

Second: Councilmember Thomas

Vote: 7-0

Resolution Number R29.13.10.24.F6

EXECUTIVE SESSION

In accordance with Chapter 551, Government Code, Vernon's Texas Code Annotated (V.T.C.A.) (Open Meetings Law), "The City Council may meet in a Closed Executive Meeting pursuant to provisions of the Open Meetings Law, Chapter 551, Government Code, V.T.C.A. in accordance with the authority contained in the following sections":

Council convened into Executive Session at 7:44 p.m.

- G.1 Section § 551.071 (2) Consultation With Attorney Regarding Matters In Which The Duty Of The Attorney To The Governmental Body Under The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas Clearly Conflict With This Chapter:
- a. Legal Issues Concerning The Terms Of The Strategic Partnership Agreement Providing For The Voluntary Annexation Of Travis County Water Control Improvement Districts 1F And 1G And Bella Vista Municipal Utility District.
 - b. Legal Issues Concerning The Lower Colorado River Authority Water Supply Contract.
 - c. Legal Issues Related To A Development Agreement For Intersection Improvements On South Lakeline Boulevard.

The Council Reconvenes into Open Session.

OPEN MEETING

Reconvene into Open Meeting and consider action, if any, on items discussed in Executive Session.

- H.1 Reconvene into Open Meeting and consider action, if any, on items discussed in Executive Session.

Council reconvened from Executive Session into Opening Meeting at 8:31 p.m.

Agenda Item F.6 called after Executive Session. Refer to Agenda Item F.6 for action taken.

No action taken on any item discussed in Executive Session.

- H.2 Mayor and Council Closing Comments.

Councilmember Moore requested an item on the next Agenda for the appointment of Place Four on the 4B Board.

H.3 Adjournment.

Mayor Powell adjourned the meeting at 8:34 p.m.

PASSED AND APPROVED THIS 21ST DAY OF NOVEMBER, 2013.



Matthew Powell, Mayor

ATTEST:



LeAnn M. Quinn, TRMC
City Secretary

